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FEDERAL BUREAU OF INVESTIGATION
POLICY DIRECTIVE

0971D

1. Policy Directive Title.	FBI Whistleblower Policy
2. Publication Date.	2017-05-01
3. Effective Date.	2017-05-01
4. Review Date.	2020-05-01
5. Date of Last Renewal.	N/A

6. Authorities:

- 6.1. Title 5 United States Code (U.S.C.) Section (§) 2303
- 6.2. Title 28 Code of Federal Regulations (CFR) Part 27
- 6.3. 28 CFR Part 45.11

7. Purpose:

The purpose of this policy is to establish a single source of policy information for FBI whistleblower protections and the conditions necessary to invoke the special protections afforded under the law. A whistleblower protection policy is necessary to ensure proper management understanding and compliance with applicable federal statutes, regulations, DOJ policy and FBI management practices.

8. Policy Statement:

This policy sets forth the specific requirements under the law for whistleblower protections to apply to FBI employees, and clarifies the responsibility for reporting allegations of reprisal taken against any FBI whistleblower.

9. Scope:

This policy is applicable to all FBI employees. Persons not falling within this policy (e.g., contractors, persons detailed from other agencies) should seek reporting guidance from a designated authority as defined in Section 11.1.

10. Proponent:

Inspection Division

11. Roles and Responsibilities:

- 11.1. All FBI Personnel must understand Whistleblower Protection requirements:

- 11.1.1. If an employee reasonably believes that he/she has evidence of:

- a) gross mismanagement,
- b) a gross waste of funds,
- c) an abuse of authority,
- d) a substantial and specific danger to public health or safety, or

e) any violation of any law, rule, or regulation,

in order to receive whistleblower protection, the employee must report the allegations to a designated authority, which is defined as and limited to:

- a) Any supervisor in the reporting employee's direct chain of command, up to and including the FBI Deputy Director, FBI Director, Deputy Attorney General, and Attorney General,
- b) DOJ Office of Inspector General (DOJ/OIG),
- c) DOJ Office of Professional Responsibility (DOJ/OPR),
- d) FBI Office of Professional Responsibility (FBI/OPR),
- e) FBI Inspection Division (INSD),
- f) Congress as set forth in 5 U.S.C. section 7211,
- g) The U.S. Office of Special Counsel (OSC), or
- h) An employee designated by any officer, employee, or division of the aforementioned offices or persons for the purpose of receiving such disclosures.

This report to the designated authority must be direct from the reporting employee. Providing allegations to other authorities does not constitute a protected disclosure.

11.1.2. Whistleblowing activity does not relieve any FBI employee from the satisfactory performance of his/her duties, as described in his/her position description.

11.2. An FBI employee who believes that he/she, or another employee or applicant of the FBI, is the subject of reprisal as defined below, may report the alleged reprisal to either the DOJ/OIG, DOJ/OPR, or the FBI INSD, Internal Investigations Section (IIS), so that IIS may promptly coordinate with the DOJ/OIG or DOJ/OPR.

11.3. Assistant Director, INSD is responsible for ensuring all protected disclosures are reported to the DOJ/OIG.

11.4. FBI Headquarters Divisions and Field Offices must ensure that:

11.4.1. Protected disclosures are promptly reported as directed by law and this policy directive.

11.4.2. Allegations of whistleblower reprisal are to be documented by email or other correspondence to INSD/IIS and reported in accordance with this policy.

11.5. All FBI Management must:

11.5.1. Ensure that FBI employees or applicants are not subjected to reprisal for making protected disclosures.

11.5.2. Promptly communicate all protected disclosures and all allegations of whistleblower reprisal as soon as practicable to INSD/IIS, so that IIS may promptly coordinate with either the DOJ/OIG or DOJ/OPR.

12. Exemptions:

None

13. Supersession:

Policy Directive (PD) 0272D, *FBI Whistleblower Policy*

14. References, Links, and Forms:

None

15. Definitions, and Acronyms:

15.1. Definitions

15.1.1. FBI whistleblower - Any FBI employee or applicant who makes a protected disclosure, defined below, to a designated authority, defined in Section 11.1 above. This definition does not include employees whose positions are designated by the Attorney General as positions of a confidential, policy determining, policymaking, or policy-advocating character. When seeking to make a protected disclosure, FBI employees may request that INSD/IIS seek a determination of whether they occupy an excluded position.

15.1.2. Protected disclosure - Information that the employee reasonably believes evidences any violation of any law, rule, or regulation; gross mismanagement; a gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

15.1.3. Reprisal – When an FBI employee who has the authority to take, direct others to take, recommend, or approve any personnel action, with respect to such authority, takes or fails to take, or threatens to take or fail to take, a personnel action as defined below, based upon a protected disclosure as defined in this section.

15.1.4. Personnel action - An appointment; promotion; disciplinary or corrective action; detail, transfer, or reassignment; a reinstatement; a restoration; a re-employment; a performance evaluation; a decision concerning pay, benefits, or awards, or concerning education or training if it may reasonably be expected to lead to an appointment, promotion, performance evaluation, or other action described in this paragraph; a decision to order psychiatric testing or examination; the implementation or enforcement of any nondisclosure policy, form or agreement; or any other significant change in duties, responsibilities, or working conditions.

15.2. Acronyms

15.2.1. CFR: Code of Federal Regulations

15.2.2. DOJ: Department of Justice

15.2.3. DOJ/OIG: Department of Justice Office of Inspector General

15.2.4. DOJ/OPR: Department of Justice Office of Professional Responsibility

15.2.5. FBI: Federal Bureau of Investigation

15.2.6. FBI/OPR: Federal Bureau of Investigation Office of Professional Responsibility

15.2.7. IIS: Internal Investigation Section

15.2.8. INSD: Inspection Division

15.2.9. OSC: Office of Special Counsel

15.2.10. U.S.C.: United States Code

16. Appendices and Attachments:

None

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